

C14. CHAPTER 14
SPECIAL STORAGE PROCEDURES FOR WASTE MILITARY MUNITIONS

C14.1. SCOPE AND APPLICABILITY

C14.1.1. The Environmental Protection Agency (EPA) promulgated the Munitions Rule (MR), Subpart M of Part 266, title 40, CFR (Reference (~~alao~~)) to define when chemical and conventional military munitions become a solid or hazardous waste and to provide for the safe storage and transportation of such waste. The MR takes precedence over these Standards. The MR sets forth two approaches for the storage of waste military munitions:

C14.1.1.1. A Conditional Exemption (CE) from certain “Resource Conservation and Recovery Act (RCRA)” (Reference (~~amap~~)) requirements.

C14.1.1.2. A new RCRA storage unit standard (i.e., Subpart EE of Parts 264 and 265 of 40 CFR (Reference (~~aaq~~))).

C14.1.2. This chapter establishes additional requirements for storage of waste military munitions in the U.S.

C14.2. WAIVERS AND EXEMPTIONS

C14.2.1. CE Storage. Waivers and exemptions from this Standard are not authorized for AE storage facilities (hereafter designated as an ASU) storing CE waste military munitions.

C14.2.2. RCRA Storage. Waivers and exemptions from this Standard shall only be available to DoD Components storing waste munitions under RCRA unit standards (e.g., Subpart EE of Part 264 of 40 CFR (Reference (~~aqn~~))). The approval authority for these waivers and exemptions is the Secretary of the Military Department, who may delegate the authority no lower than an assistant secretary.

C14.3. REQUIREMENTS FOR STORAGE OF WASTE MILITARY MUNITIONS UNDER CE

C14.3.1. The DoD Components shall ensure that waste military munitions stored under CE comply with 40 CFR 266.205(a) (Reference (~~aaq~~)). (The MR-established CE does not apply to toxic chemical agents or toxic chemical munitions.)

C14.3.2. The DoD Components shall ensure that installations and responsible activities:

C14.3.2.1. Maintain records of stored waste military munitions for a minimum of 3 years from the date they were last stored. The records must be distinguished by type. A separate record or line item is required for each type of munition in any mixed lot of munitions received for storage. The record shall include the following:

C14.3.2.1.1. The type of waste military munitions stored by standard nomenclature, Lot Number, FSC, National Stock Number (NSN), DoDAC, and condition code.

C14.3.2.1.2. The quantity stored.

C14.3.2.1.3. The date identified as “waste.”

C14.3.2.1.4. The date they left storage.

C14.3.2.1.5. The storage location or locations (e.g., building number or storage pad, and grid coordinates) where they were stored.

C14.3.2.1.6. The means (e.g., destroyed, demilitarized, and shipped) and date of disposition.

C14.3.2.1.7. When applicable, the sending and receiving sites for those waste military munitions received from or shipped to offsite sources.

C14.3.2.2. Physically separate (e.g., on a separate pallet or shelf) waste military munitions from non-waste military munitions when both are stored in the same ASU.

C14.3.2.3. Clearly mark the physically separated waste military munitions to ensure proper identification.

C14.3.2.4. Store waste military munitions under CE in ASU that comply (without waiver or exemption) with the provisions of this Standard. Each ASU storing waste military munitions or explosives under CE must be included in a DDESB-approved explosives safety site plan that the installation keeps on file. Those portions of the site plan addressing ASU storing waste military munitions under CE shall be made available to applicable Federal or State environmental regulatory authorities on request.

C14.3.2.5. Have SOP or plans (see section C8.6.) that provide safety, security, and environmental protection. Those plans shall be coordinated with the applicable Federal, State, and local emergency response authorities (e.g., law enforcement, fire departments, and hospitals; etc.) and any established LEPC.

C14.3.3. Loss of CE.

C14.3.3.1. The un-permitted or uncontrolled detonation, release, discharge, or migration (e.g., loss or theft, or as a result of fire or explosion) of waste military munitions out of any ASU that might endanger human health or the environment shall result in the immediate loss of CE for those waste military munitions. Incidents of that nature and the loss of CE require reporting under section C14.5.

C14.3.3.2. The applicable Federal or State environmental regulatory authorities may withdraw CE based on review or inspection of the installation's or responsible activity's compliance with the requirements for storage of waste military munitions under CE. The DoD Components may, at any time, restrict an activity from using CE. Additionally, the DDESB or the DoD Component, upon discovery of a condition that could warrant loss of CE, shall report the condition to the applicable DoD Component and to the commander of the installation or responsible activity.

C14.3.3.3. If CE is lost, the waste military munitions are subject to other RCRA hazardous waste regulations. The installation or responsible activity must obtain any required RCRA permits because of the loss of CE.

C14.3.3.4. Installations and responsible activities may apply for reinstatement of CE under 40 CFR 266.205(c) (Reference (~~an~~aq)).

C14.4. OTHER STORAGE STANDARDS

C14.4.1. The DoD Components shall forward to the Chairman, DDESB, a copy of their implementing standards or regulations pertaining to the storage of waste military munitions.

C14.4.2. Many States regulate waste management activities, including the storage of waste military munitions. Their authority is based on the waiver of sovereign immunity in federal environmental laws. Their laws, to the extent they fall within the waivers of sovereign immunity, take precedence over these Standards. If such State regulations conflict with DDESB or DoD Components' explosives safety standards, the affected Component shall attempt to resolve the conflict. For those issues that cannot be resolved, the DoD Component shall notify the Chairman, DDESB, through its Board Member if it has one, of any irreconcilable conflict of State law, regulation, or directive with these or other DoD or Military Component explosives safety standards.

C14.5. UN-PERMITTED AND UNCONTROLLED LOSS REPORTING

In addition to other applicable reporting requirements, installations and responsible activities shall notify their chain of command, the DDESB Chairman (through the DoD Component channels), the applicable Federal or State environmental regulatory authority, and established local committees, as follows:

C14.5.1. Telephonically or, in the case of the DoD Component and the DDESB, electronically (by e-mail message or facsimile and using the format specified in Chapter 13) within 24 hours from the time the installation or responsible activity becomes aware of any unpermitted or uncontrolled detonation, release, discharge, or migration of waste military munitions out of any ASU (e.g., loss or theft, or as a result of fire or explosion) that may endanger human health or the environment; and

C14.5.2. In writing, if the initial report was telephonic, within 5 days from the time the installation or responsible activity becomes aware of any un-permitted or uncontrolled detonation, release, discharge, or migration of waste military munitions out of any ASU (e.g., loss or theft, or as a result of fire or explosion) that may endanger human health or the environment. Follow-up reports to the DoD Component and the DDESB are required only when pertinent information, which was not previously reported, becomes known. Such reports, to include a report of investigation, shall comply with the requirements of Chapter 13.

C14.6. CLOSURE OF FACILITIES STORING WASTE MILITARY MUNITIONS UNDER CE

C14.6.1. In addition to the explosives safety requirements of section C1.4.:

C14.6.1.1. When an ASU that stored waste military munitions under CE is permanently taken out of service for the storage of non-waste and waste military munitions, installations and responsible activities shall ensure that such ASU are closed in accordance with applicable requirements.

C14.6.1.2. Installations or responsible activities must notify the cognizant Federal or State environmental regulatory authorities in writing at least 45 days before the closure activities begin, or as provided by applicable law. Initiation of those closure procedures should occur within 180 days, or as provided by applicable law, after the date the decision is made to permanently stop using the ASU for the storage of military munitions.

C14.6.1.3. On completion of closure activities, a “Certification of Closure,” signed by the installation or responsible activity commander, or other equivalent level authority, and by an independent (i.e., an individual not assigned within the commander’s or equivalent-level authority’s chain of command) registered professional engineer must be submitted to the cognizant Federal or State environmental regulatory authorities within 90 days of completing the closure activities, or as provided by applicable law.

C14.6.1.4. The Certificate of Closure must state, at a minimum, that each of the explosives safety requirements in section C1.4. have been met and that waste military munitions and residues are removed in such a manner as to protect the public and the environment consistent with the planned use of the ASU and of the property.

C14.6.1.5. If closure certification cannot be rendered, the installation or responsible activity must contact the cognizant Federal or State environmental regulatory authorities to determine the required course of action.

C14.6.2. Discontinuance of Use for the Storage of Waste Military Munitions. When an ASU that stored waste military munitions under CE is permanently taken out of service for the storage of waste military munitions, but is to continue in service for the storage of non-waste

military munitions, installations and responsible activities shall ensure that waste military munitions and residues are removed.

C14.7. CLOSURE OF FACILITIES STORING WASTE MILITARY MUNITIONS
UNDER RCRA

In addition to those explosives safety requirements in section C1.4., closure procedures for those sites operating under existing RCRA (Subpart EE of Parts 264 and 265 of 40 CFR (Reference ~~an~~*aq*))) permits shall follow the closure requirements stipulated in the respective permit.